

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

ADJUSTACAM, LLC

§

§

VS.

§

Civil Case No. 6:10-CV-329 LED

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AMAZON.COM, INC., ET AL

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**DEFENDANT LIFEWORKS TECHNOLOGY GROUP, LLC'S  
NOTICE OF JOINDER IN DEFENDANT DELL, INC'S  
CORRECTED MOTION TO DISMISS PLAINTIFF'S ALLEGATIONS OF  
INDIRECT INFRINGEMENT AND WILLFUL INFRINGEMENT FOR  
FAILURE TO STATE A CLAIM**

Defendants Lifeworks Technology Group, LLC (“Lifeworks”) hereby joins Defendant Dell Inc.’s Corrected Motion to Dismiss Plaintiff’s Allegations of Indirect Infringement and Willful Infringement for Failure to State a Claim (Doc. 164), and Dell’s Notice of Additional Authority (Doc. 180) pursuant to Fed.R.Civ.P. 12(b)(6), and the arguments and authorities found therein.<sup>1</sup>

AdjustaCam LLC’s (“AdjustaCam”) allegations of indirect infringement against Lifeworks are the same as those it has asserted against Dell Inc. (“Dell”), and are deficient for the reasons set forth in Dell’s Motion to Dismiss. (Compare First Amended Complaint for Patent Infringement, Document 111, at ¶¶ 92 (Dell), 116 (Lifeworks/IHome).) In addition, AdjustaCam’s allegations of willfulness against Lifeworks are the same as those it has asserted against Dell, and are deficient for the reasons set forth in Dell’s Motion to Dismiss. (See First Amended Complaint for Patent Infringement, Document 111, at ¶¶ 224-25.)

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<sup>1</sup> Lifeworks is concurrently filing its Answer to AdjustaCam’s First Amended Complaint for Patent Infringement.

Because AdjustaCam has not adequately pled the elements of inducing or contributory infringement, its indirect infringement claims against Lifeworks should be dismissed. In addition, because AdjustaCam has not pled any facts in support of its willfulness allegation, the willfulness allegation against Lifeworks should be dismissed.

Date: September 17, 2010

Respectfully submitted,

BY: /s/ Thomas Carulli (by Collin Maloney  
with permission)

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#### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3). Any other counsel of record will be served by facsimile transmission and/or first class mail this 17<sup>th</sup> day of September, 2010.

/s/ Collin Maloney